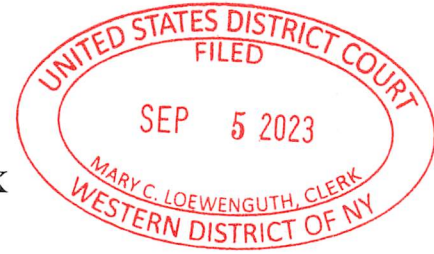


IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NEW YORK  
BUFFALO DIVISION



EQUAL EMPLOYMENT OPPORTUNITY )  
COMMISSION, )  
Plaintiff, )  
v. ) CA No. 1:18-cv-00562-LJV-JJM  
STAFFING SOLUTIONS OF WNY, INC. )  
Defendant. )  
\_\_\_\_\_ )

**UNOPPOSED MOTION FOR APPROVAL OF PROPOSED PAYMENT LIST**  
**PURSUANT TO CONSENT DECREE**

Pursuant to paragraph 70 of the Consent Decree (ECF No. 130) entered by the Court on September 30, 2022, the EEOC moves for approval of the Proposed Payment List attached as Exhibit A. In support of its Motion, the EEOC states as follows:

1. On September 30, 2022, the Court entered a Consent Decree settling this matter. *See* ECF No. 130 (“Decree”).
2. The Decree provided for payment to Claimants from a \$475,000 Claims Fund administered by a Claims Administrator. Decree ¶ 58.
3. The Decree enumerated initial distributions to 176 Claimants. *See* Decree ¶ 61; *id.* Ex. G (pp. 44-48).
4. The Claims Administrator has now made payments to 165 of those Claimants.
5. Despite extensive efforts by phone, text, email, and mail, the EEOC has been unable to reach the remaining 11 claimants to obtain the required release and information needed to effect payment.
6. The Decree provides that all money from the Claims fund that is not distributed will be redistributed to Claimants at the EEOC’s discretion:

69. Under no circumstances will any portion of the Claims Fund described in paragraphs 57 and 58 above revert to Defendant or its insurer.

70. If any of the funds are not initially distributed, remain unclaimed, cannot be paid due to the Claimant's failure to sign the limited release described in paragraphs 62 and 64-65 and Exhibit H, are returned for any reason, or are unable to be accepted by the person designated to receive them, the EEOC will submit to the Court for approval a list reflecting additional amounts from the Claims Fund to be paid to certain Claimants designated by EEOC ("Proposed Payment List").

71. The EEOC may submit multiple Proposed Payment Lists within one year of entry of this Decree. Defendant may not challenge the Proposed Payment Lists in any way.

Decree ¶¶ 69-71.

7. The EEOC therefore proposes that the remaining funds—including funds formerly intended for the 11 claimants as well as funds the EEOC kept in reserve—be distributed pursuant to the Proposed Payment List attached as Exhibit A.

8. The Proposed Payment List provides for additional payments to those twenty Claimants who the EEOC has determined suffered the most egregious discrimination or retaliation.

9. To the extent the EEOC is unable to make payments to anyone in the Proposed Payment List or any money otherwise remains in the Claims Fund, EEOC requests prospective approval to distribute the remaining funds to Charging Party Tammi Iser.

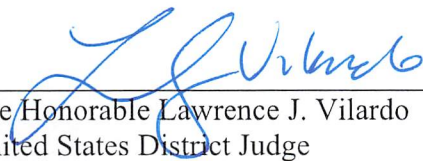
10. Defendant does not oppose this Motion because, pursuant to the Decree, it may not do so. *See* Decree ¶ 71.

DATED: August 29, 2023

s/Daniel Seltzer  
Daniel Seltzer  
Trial Attorney  
Equal Employment Opportunity Commission  
New York District Office  
33 Whitehall Street  
5<sup>th</sup> Floor  
New York, New York  
10004-2112  
Daniel.Seltzer@EEOC.gov

*Attorney for EEOC*

SO ORDERED this 5<sup>th</sup> day of September, 2023.

  
\_\_\_\_\_  
The Honorable Lawrence J. Vilardo  
United States District Judge

**Exhibit A--Proposed Payment List**

<b><u>Claimant</u></b>	<b><u>Total Gross Payment</u></b>
Brandon Bellamy	\$2,800
Demetrien Bell-Bradley	\$2,800
Avelle M. Bishop	\$2,800
Bilal Bland	\$2,800
Jacobi Boyd	\$2,800
William Burns, III	\$2,800
Keith Cahill	\$2,800
Kim Calarco	\$2,800
Whitney T. Hargrave-Jones	\$2,800
Glenn S. Hosken	\$2,800
Fatimah M. Jabbar	\$2,800
Dwane B. Lewis	\$2,800
Haywood Love	\$2,800
Richard W. Ludwig	\$2,800
Jajuan S. Marshall	\$2,800
Elone McCracken	\$2,800
Angela D. Myles	\$2,800
Enrique Rosado	\$2,800
Christopher Simmons	\$2,800
Karlina Timmel	\$2,800